

MAY 02 2005

EXHIBIT A

I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to:
Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on December 14, 2004

By Amelia Weintraub
Amelia Weintraub, QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

Attorney Docket No. 26-003700US
Client Reference No.: NS104D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter Palese, et al.

Examiner: Terry Alan McKelvey

Application No.: 09/396,539

Art Unit: 1636

Filed: September 14, 1999

SUBMISSION OF STATEMENT UNDER
37 CFR 3.73 (B)

For: RECOMBINANT NEGATIVE
STRAND RNA VIRUS EXPRESSION
SYSTEMS AND VACCINES

Commissioner for Patents
PO BOX 1450
Alexandria, VA 22313-1450

Sir:

Please make of record the following enclosed documents regarding the above-identified application:

- 1) Statement Under 37 CFR 3.73(b); and,
- 2) Power of Attorney and Correspondence Address Indication Form.

It will be appreciated that the chain of title of the invention, as based on the allowed claims, derives from material present in application 07/527,237 (now USPN 5,166,057). The inventors of such material (namely Peter Palese, Mark Krystal, and Jeffrey Parvin) assigned their rights as reflected in the attached assignments.

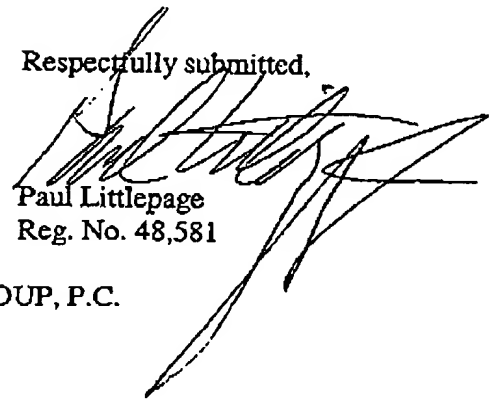
The inventorship of the present application (Peter Palese and Adolfo Garcia-Sastre) is in the process of being changed to Peter Palese, Mark Krystal, and Jeffrey Parvin, in order to accurately reflect the correct inventorship and will thus match the attached assignments.

Also, while the priority history of the current application contains a continuation-in-part application (application number 08/190,698) between application 07/527,237 and the present

Peter Palese, et al.
Application No.: 09/396,539
Page 2

application, the material giving rise to the current allowed claims was present in application 07/577,237 and was therefore assigned by Palese, Krystal, and Parvin as indicated on the attached documents.

Respectfully submitted,



Paul Littlepage
Reg. No. 48,581

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P.O. BOX 458
Alameda, CA 94501
(510) 337-7871
Fax (510) 337-7877

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

STATEMENT UNDER 37 CFR 3.73(b)

Applicant: Peter Palese, et al.

Application No.: 09/396,539

Filed: September 14, 1999

Entitled: **RECOMBINANT NEGATIVE STRAND RNA VIRUS EXPRESSION SYSTEMS
AND VACCINES**

MedImmune Vaccines, Inc.

, a

corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel __, Frame __, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: the inventors To: Mt. Sinai School of Medicine
The document was recorded in the Patent and Trademark Office at Reel 5325, Frame 0556, and for which a copy thereof is attached.
2. From: Mt. Sinai School of Medicine To: Aviron
The document was recorded in the Patent and Trademark Office at Reel 6949 Frame 0905, and for which a copy thereof is attached.
3. From: Aviron To: MedImmune Vaccines, Inc.
The document was recorded in the Patent and Trademark Office at Reel __, Frame __, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

12-14-2004

Date

William C. Bertrand

Signature

William C. Bertrand

Typed or printed name

Vice President, General Counsel

Title



U.S. DEPARTMENT OF COMMERCE PATENT OFFICE		FOREBUSINESS THIS ORDER OR MAY BE USED FOR INFORMATION ONLY	
DEPOSIT ACCOUNT ORDER FORM		FOR OFFICE USE ONLY	
Patent No. 5,103,377	Depositor's Name: JENNIFER W. EDMONDS	Item No.	Value Furnished
Address: 100 WALL STREET, NEW YORK, NY 10038	City: NEW YORK, NY 10038	Service	Value
Description of Articles or Services to be Deposited:		Date of Deposit	
U.S. Patent Application Entitled "PROCESSES FOR NEGATIVE STRAND RNA VIRUS EXPRESSION SYSTEMS AND AGENTS" by Dr. Peter Palese, Dr. Mark Kay, and Dr. Jeffrey Parvin		Date of Deposit	
Attached please find an executed assignment on the above identified application and the invention disclosed therein to Dr. Peter Palese, Dr. Mark Kay, and Dr. Jeffrey Parvin, to the Mount Sinai School of Medicine of the City University of New York. Said assignment was executed by Dr. Peter Palese and Dr. Mark Kay on May 17, 1990 and by Dr. Jeffrey Parvin on May 21, 1990. We request that the assignment be recorded in the U.S. Patent and Trademark Office. Please charge the required fee to our Deposit Account NO. 16-1150. A duplicate of this form is attached for accounting purposes.		Date of Deposit	
Signature: Jennifer W. Edmonds		Date of Deposit	
Title: JENNIFER W. EDMONDS		Date of Deposit	
Address: 100 WALL STREET, NEW YORK, NY 10038		Date of Deposit	

5929-004

ASSIGNMENT

WHEREAS, DR. PETER PALANCA, a citizen of the United States residing at 414 Highwood Avenue, Teonla, New Jersey 07605; DR. JEFFREY D. PARSON, a citizen of the United States residing at 43 Walton Road, Belmont, Massachusetts 02178; and MARK WATSON, a citizen of the United States residing at 419 Moore Avenue, Teonla, New Jersey 07605 (hereinafter called "ASSIGNORS") are the inventors of the invention in RECOMBINANT NEGATIVE STRAND RNA VIRUS EXPRESSION SYSTEMS AND VACCINES, the application executed concurrently herewith, and

WHEREAS, The Mount Sinai School of Medicine of the City University of New York, a corporation organized and existing under the laws of the State of New York, having a place of business at One Gustave L. Place, New York, New York 10029-5574 (herein called "ASSIGNEE") is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application;

NOW, THEREFORE, in consideration of the sum of one dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention and the said United States Application and all divisions, renewals and continuations thereof, and all patents of the United States which may be granted thereon and all releases and extensions thereof, and all applications for industrial property protection, including without limitation, all applications for patents, utility models, and designs which may hereafter be issued for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim priority the same, the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable, and all forms of industrial property protection including without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and releases thereon.

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any country or countries foreign to the United States whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have and right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceedings, sign all lawful papers, execute all divisional continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, we hereunto set our hands and seals the day and year first opposite our respective signatures.

Dated: 5/17/90

PETER PALSE

State of Delaware
County of Delaware

On this 17th day of May, 1990, before me, a Notary Public in and for the State and County aforesaid, personally appeared PETER PALSE, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Bethas Levonas
NOTARY PUBLIC

BETHAS LEVONAS
NOTARY PUBLIC, State of New York
Commission Expires 12/31/93
Office in New York County
Queens County, New York

Form 100-1 (Rev. 1-1-80)

1. NAME (Last, first, middle initial)
2. DATE OF BIRTH (mm/dd/yyyy)
3. SEX (M/F)
4. RACE (A/B/C/D/E)
5. HEIGHT (inches)
6. WEIGHT (pounds)
7. EYES (C/B/R)
8. HAIR (B/BK/BL/BR/BU)
9. COMPLEXION (F/FW/T/TW/D/DK)
10. MARKS (Scars, Tattoos, etc.)
11. SIGNATURE
12. DATE
13. OFFICIAL (Name and Title)
14. OFFICE (Name and Address)
15. CITY (Name and State)
16. COUNTY (Name and State)
17. ZIP CODE (5-digit)
18. PHONE NUMBER (Area code and number)
19. SOCIAL SECURITY NUMBER (9-digit)
20. FINGERPRINTS (Left and Right Index Fingers)
21. PHOTOGRAPH (2x2 inch)
22. SIGNATURE OF AGENT
23. DATE
24. OFFICIAL (Name and Title)
25. OFFICE (Name and Address)
26. CITY (Name and State)
27. COUNTY (Name and State)
28. ZIP CODE (5-digit)
29. PHONE NUMBER (Area code and number)
30. SOCIAL SECURITY NUMBER (9-digit)



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DATE: 06/02/94
TO:

N08C

PENNIE & EDMONDS
LAURA A. CORUZZI
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

REFERRED TO

NG 00190

REC'D JUN 10 1994

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT BRANCH OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

ASSIGNOR:

DOC DATE: 09/13/93

MOUNT SINAI SCHOOL OF MEDICINE OF THE CITY OF NEW YORK, THE

RECORDATION DATE: 04/20/94 NUMBER OF PAGES 003 REEL/FRAME 6949/0905

DIGEST :

CORRECTIVE ASSIGNMENT (SEE DOCUMENT FOR DETAILS)

ASSIGNEE:

AVIRON, INC.
1450 ROLLINS ROAD
BURLINGAME, CA 94010

SERIAL NUMBER 7-527237 ✓ FILING DATE 05/22/90 ✓
PATENT NUMBER 5,166,057 ✓ ISSUE DATE 11/24/92 ✓

JEK McDowell
EXAMINER/PARALEGAL
ASSIGNMENT BRANCH
ASSIGNMENT/CERTIFICATION SERVICES DIVISION

RECORDATION FORM COVER SHEET PATENTS ONLY		Attorney Docket Number 7682-010
<p>TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS Box Assignments Washington, DC 20231</p> <p>Please record the attached original documents or copy thereof.</p>		
<p>1. Name of conveying party(ies): The Mount Sinai School of Medicine of the City of New York</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>3. Nature of conveyance: <input type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input checked="" type="checkbox"/> Other Corrected Recordation Form</p> <p>Execution Date: September 13, 1993</p>	<p>2. Name and address of receiving party(ies): Name: Aviron, Inc. Address: 1450 Rollins Road Hurlingham, CA 94010 Country (if other than USA):</p>	
<p>4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is:</p> <p>A. Patent Application No.(s) B. Patent No.(s) 5,166,057</p> <p>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		
<p>5. Name and address of party to whom correspondence concerning document should be mailed: PENNIE & EDMONDS 1155 Avenue of the Americas New York, NY 10036</p>	<p>6. Number of applications and patents involved: 1 patent</p> <p>7. Total fee (37 CFR 3.41): \$40.00 Please charge to the deposit account listed in Section 8.</p> <p>8. Deposit account number: 16-1150 (A copy of this page is attached)</p>	
DO NOT USE THIS SPACE		
<p>9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</p> <p>LAURA A. CORUZZI 30,742 <i>Laura A. Coruzzi</i> April 20, 1994 Name of Person Signing Reg. No. Signature Date</p> <p>10. Total number of pages including cover sheet: 5 (including duplicate fee)</p>		

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

91800496

EXPRESS MAIL CERTIFICATION

"Express Mail" Mail No. **389 227 234US**Date of Deposit **April 20, 1994**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

ISMAEL MALDONADO

(Type or print name of person mailing paper or fee)

(Signature of person mailing paper or fee)

ASSIGNMENT

SOLE

WHEREAS, THE MOUNT SINAI SCHOOL OF MEDICINE OF THE CITY OF NEW YORK, ASSIGNOR, an educational institution organized and existing under the laws of the State of New York, and having an office for the transaction of business at One Gustave Levy Place, New York, New York 10029-6574, owner of the entire right, title and interest in, to and under the below-identified invention entitled "RECOMBINANT NEGATIVE STRAND RNA VIRUS EXPRESSION SYSTEMS" by PETER PALESE, JEFFREY D. PARVIN AND MARK KRYSTAL, by virtue of an Assignment recorded on May 22, 1990, at Reel 5325, Frame 0566-0569, for the application for a Patent of the United States

XX which is identified by Pennie & Edmonds docket no. 7682-019

XX which was issued on November 24, 1992, U.S. Patent No. 5,166,057

and WHEREAS, AVIRON, Inc., ASSIGNEE, having an office for the transaction of business at 1450 Rollins Road, Burlingame, California 94010 is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND I HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereto set my hand and seal this 13th day of September, 1993.

NOV 10 93

By:

Nathan G. Katz, Dean, The Mount Sinai
School of Medicine of the City of New York

State of New York COUNTY OF New York SS: PATENT AND TRADEMARK OFFICE

County of New York SS:

On this 13th day of September, 1993, before me, a Notary Public in and for the State and County aforesaid, personally appeared NATHAN KATZ to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

FPR 20 91:

PATENT AND TRADEMARK
OFFICE

KATHRYN E. GREEN
Notary Public, State of New York
No. 01-273970
Qualified in New York County
Commission Expires December 28, 1994

Notary Public.

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "AVIRON", CHANGING ITS NAME FROM "AVIRON" TO "MEDIMUNE VACCINES, INC.", FILED IN THIS OFFICE ON THE TENTH DAY OF APRIL, A.D. 2002, AT 11 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

2600915 8100

020228733

AUTHENTICATION: 1712941

DATE: 04-10-02

302,655 5049

PAGE.02

APR 10 2002 12:46

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 11:00 AM 04/10/2002
020228732 - 2600915

AVIRON
**CERTIFICATE OF AMENDMENT TO AMENDED
AND RESTATED CERTIFICATE OF INCORPORATION**

AVIRON, a corporation organized and existing under the laws of the State of Delaware (the "Corporation"), hereby certifies as follows:

1. The Board of Directors of the Corporation, acting by the Written Consent of its Sole Director, duly adopted, pursuant to Section 242 of the General Corporation Law of the State of Delaware (the "GCL"), resolutions setting forth this proposed Amendment to the Amended and Restated Certificate of Incorporation of said Corporation and declaring said Amendment to be advisable and directing that such Amendment be presented to the sole stockholder of the Corporation for consideration and approval:

2. The stockholder of the Corporation, acting by the Written Consent of its Sole Stockholder, approved and adopted this proposed Amendment to the Restated Certificate of Incorporation of said Corporation in accordance with Section 242 of the GCL:

3. Article 1 of the Amended and Restated Certificate of Incorporation of the Corporation, dated January 15, 2002, is hereby amended to read in full as follows:

"The name of the Corporation is: MediImmune Vaccines, Inc."

PAGE 02

DEWEY BALLANTINE LLP

212-259-7382

04/18/2002 10:54

APR 18 2002 12:46

002 655 5049

PAGE.03

IN WITNESS WHEREOF, AVIRON has caused this Certificate to be signed by
David M. Mott, Chief Executive Officer, this day 1 of April 2002.

AVIRON

By: 

David M. Mott

Chief Executive Officer

NY-409404.3

PAGE 03

DOWNEY BALTIMORE LLP

212-259-7382

04/18/2002 10:54

302 655 5049

PAGE.04

APR 18 2002 12:46

PTO/SB/81 (05-03)

Approved for use through 11/30/2005. OMB 0551-0035

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM

Application Number	09/396,539
Filing Date	September 14, 1999
First Named Inventor	Peter Palese
Title	RECOMBINANT NEGATIVE STRAND RNA
Art Unit	1636
Examiner Name	Terry Alan McKelvey
Attorney Docket Number	26-003700US

I hereby appoint:

☒ Practitioners associated with the Customer Number.

OR

☐ Practitioner(s) named below.

22798

PATENT TRADEMARK OFFICE

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☒ Firm or Individual Name: Quine Intellectual Property Law Group, P.C.

Address P.O. Box 458

Address

City

Alameda

State

CA

Zip

94501

Country

United States

Telephone

(510) 337-7871

Fax

(510) 337-7877

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 2.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name William C. Bertrand, Vice President, General Counsel

Signature

Date

12/14/2004

Telephone

301-398-4625

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or Printed Name

Amelia Weintraub

Signature

Amelia Weintraub

Date

December 14, 2004